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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/760,002 | 01/16/2004 | David Solow-Cordero | 061030-0055 | 8662 |

24341 7590 04/25/2006

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| EXAMINER |
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KWON, BRIAN YONG S

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| ART UNIT | PAPER NUMBER |
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1614

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/760,002 | Applicant(s) SOLOW-CORDERO ET AL. | |
| | Examiner Brian S. Kwon | Art Unit 1614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-32 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1, 3-27 and 29-32, drawn to a process of modulating an Edg-7 receptor mediated biological activity with tetrazole compounds when X, Y, Z is N, classified in class 514, subclass 381.
 - II. Claims 1, 3-27 and 29-32, drawn to a process of modulating an Edg-7 receptor mediated biological activity with triazole compounds when X and Z is N; Y is C, classified in class 514, subclass 383.
 - III. Claims 1, 3-27 and 29-32, drawn to a process of modulating an Edg-7 receptor mediated biological activity with pyrazole compounds when X, Y, Z is C, classified in class 514, subclass 406.
 - IV. Claims 1 and 3-32, drawn to a process of modulating an Edg-7 receptor mediated biological activity with imidazole or diazole compounds when X and Z is C; Y is N, classified in class 514, subclass 396.
 - IV. Claims 1, 3-27 and 29-32, drawn to a process of modulating an Edg-7 receptor mediated biological activity with 1, 2,5 thiadiazole compounds when X is S; Y is N; Z is C, classified in class 514, subclass 362.
 - V. Claims 1, 3-27 and 29-32, drawn to a process of modulating an Edg-7 receptor mediated biological activity with oxadiazole compounds when X is O; Y is C; Z is N, classified in class 514, subclass 364.

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VI. Claims 1-32, drawn to a process of modulating an Edg-7 receptor mediated biological activity with thiazole compounds when X is C; Y is C; Z is C, classified in class 514, subclass 372.

VII. Claims 1 and 3-32, drawn to a process of modulating an Edg-7 receptor mediated biological activity with oxazole compounds when X is O; Y is C; Z is C, classified in class 514, subclass 374.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

2. In addition, applicant is required under 35 U.S.C. 121 to elect a single disclosed species of (i) compound (e.g., compound 105) and (ii) disease condition (e.g., cancers) under the instant claims of the elected Group. Moreover, whatever specific compound and disease condition are ultimately elected, applicants are required to list all claims readable thereon. With the election of a specific exemplified compound(s) and disease(s), a generic concept will be identified by the examiner as the inventive group for examination.

For instance, each of the species of disease conditions (e.g., cancers, acute lung diseases, cardiovascular disease and surface epithelial cell injury) recited in the claims is recognized in the art to be distinctive because they would appear to seek results that differ depending on what diseases or conditions is being treated. One practicing the invention of any of the disease conditions (i.e., cancers) would not necessarily be required to practice any of the others (i.e., cardiovascular disease or lung disease).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

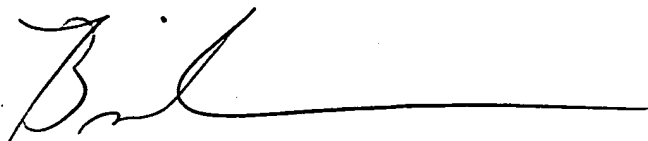
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (703) 308-5377. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached on (571) 272-0951. The fax number for this Group is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

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Brian Kwon
Patent Examiner
AU 1614

A handwritten signature in black ink, appearing to read 'B. Kwon', followed by a long horizontal line extending to the right.